

The meetings will all be held in the IPP Offices.

Second billing of Delta City Business License to be mailed to all business that have not purchased a 1981 Delta City Business License.

Mayor Roper asked if there was any further business or comments, there being none, Councilman Morrison MOVED the meeting be adjourned, MOTION SECONDED by Councilman Bird, meeting adjourned at 11:05 p.m.


Leland J. Roper, Mayor


Dorothy Jeffery, City Recorder

MINUTES OF A PUBLIC HEARING HELD AUGUST 3, 1981

PRESENT:

Leland J. Roper	Mayor and presiding
Don Bird	Councilman
Thomas Callister	Councilman

ABSENT:

Max Bennett	Councilman
Cecil Losee	Councilman
Willis Morrison	Councilman

OTHERS PRESENT:

Neil Forster	Public Works Director
Ray Valdez	City Building Inspector
Jay Covington	City Administrative Intern
Warren Peterson	City Attorney
Dorothy Jeffery	City Recorder
Nadine Nielson	City Secretary

Arjaan and Elaine Dekker	City Resident
John Rowlette Jr.	City Resident
David Rowlett	City Resident
Alan Riding	City Resident
James D. Robison	City Resident
Ruth Hansen	City Resident
J.H. Rowlette Sr.	City Resident
Jody Howe	Bush & Gudgell

Mayor Roper being present, called the meeting to order at 6:30 p.m.
Dorothy Jeffery, being present, acted as secretary.

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Mayor stated that notice of the time, place and purpose of the meeting had been duly advertised in the Millard County Chronicle and notice was mailed to each member of the governing body.

The Mayor stated the Public Hearing was for the purpose of receiving public comment regarding the proposed Comprehensive Revision of the Delta City Zoning Ordinance #77-3, copies of the Comprehensive Revision of the Delta City Zoning Ordinance #77-3, are on file in the office of the City Recorder for Public review.

Mayor Roper: We may not always do what you agree; however, we will try to do what the majority agrees. We are going to have this recorded so hopefully we won't miss anything. I would just like to open the meeting to your comments now concerning this ordinance meeting, anything you run into as you study it and desire any comments about zoning and it's purpose to you.

Arjann Dekker: I am not a guy to complain, however, I don't like the way the zoning is on 3rd East and 1st South, it is commercial zoning with Multi-Building, I cannot build a home, I don't think that is right. If a person wants to build a home he should have the privilege of doing so. I am right on the border line and I don't care if it stays commercial. I think if I want to sell the property and someone wants to build a home on it, I would have that right, or if my daughter wants to come down and build a home on my property, we should have that right to do so.

Mayor Roper: Okay, First off, most ordinances, I guess mainly particularly zoning isn't just for everyone and your in that area according to our zoning ordinance have a comprehensive plan. You would be eligible to reapply for the zoning ordinance into the R-2 district, because you are right on the boarder of it and that would be one thing very reasonable. This thing has been studied and studied and studied and used so many times that, I hate to say this in front of the majority, we are sick of it, however, I think we are best satisfied that it is probably the best, we as a group can do. There is an option there because of your case.

Thank You.

Harvey Rowlette: Lee, on Storage units, which area can you put it in?

Mayor Roper: This ordinance right here, you can't, the planning and zoning commission and City Council did some study on that situation and they believe it is more compatible in these zones than it would be in a R-1 or a R-2 zone or a commercial zone, is one zone it would be a compatible zone for any particular storage units, the other zone is the light industrial zone, we welcome your comments that you have to disagree.

Harvey Rowlette: The only reason I have to disagree is that you call other cities and they find out others have general and others have in other areas. I don't know what else you could get. Is there any possible way a person could get where there was a zoning in another area, I don't want a residential area.

Why would it be allowed in that area?

Jody Howe: Oh, community facilities, Museums, and Art Centers, Libraries, restaurants, small convenient shops, it would be low volume such as small repair shops, small specialty shops.

Mayor Roper: I think that's the best explanation I have heard in other words not alot of traffic, alot of big areas used for parking, I can see in the entrance.

There is no storage unit.

It isn't very beautiful for a residential area.

I am still trying to figure out why that can't go commercial.

Mayor Roper: Before we go any farther let me correct the mistake of not introducing Mrs. Jody Howe, Paul Nelson Associates has helped us, as have Steve Young and our planner from Saint Goerge, helped us go through this I guess Jody has spent more time on this than any other individual unless it's Warren or me or the Planning Commission in the City Council, we are glad to have you here tonight. Maybe you can kind of keep us on the straight and narrow.

Jody Howe: I'll Try.

I just have one more comment, okay lets say if someone puts a small repair shop in that area can he expand and become a big repair shop.

Mayor Roper: No, I think it's only to personnel service, such as a barber and a hair dresser.

Jody Howe: That would be disruptive to any adjacent resident, this is primarily residential zoning.

What type of residences can be in that area?

Jody Howe: Multiple family residences.

Mayor Roper: I would like to put the subject out of joint, I would like to make the suggestion to include four (4) plexes in that zone, I don't know how the majority will react to this. We don't have in our city now four (4) plexes in that zone, the reason we didn't put four (4) plexes in this area, and I think any expert will tell us is because you don't want to get all of those clutered in one area. We read in thenewspapers and you find that it seems to deteriorate faster than others. It's been pointed out, that if their not in a single designated area, you could have a mixture between other uses, that doesn't happen hear as readily as if there just in the places that is just going to be recreated into slums. You can see that in Saint Goerge where we have many of these center blocks that are undeveloped, until about a year ago you could have built on what we call the narrow streets. And so we cannot develop and now with the costs of roads and streets and sewer facilities, it is almost prohibited in many cases of shich, unless you get a large developer to do it and then it costs tax money. I just want to say to fix some of those areas and put a

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higher density use in there, because the cost of service in that area are not so high, and I know you'll say that's spot zoning and it is in a way, which we for years and years would not tolerate in anyway but I guess time and ideas change.

Your proposing this yourself, is there any probability this will happen?

Mayor Roper: I don't know, but this ordinance does allow it. I think you can apply for that zoning and if the Planning Commission and the City Council has a Public Hearing. It does require that if you have an area in the block you have to get all the people in 140 ft. to sign off on it, they have to be aware of that.

Well, would it be advisable, like we said to go and get their okay first.

Mayor Roper: It's actually required in here. I think that 140 ft. should be extended to 250 ft.

Attorney Peterson: Half the block including the street is 630 ft. The intension is to take in everyone within an area of that would be considered an adjacent neighborhood. I want to go back to the question on R-3-B, I'm puzzled perhaps why the Planning Commission would recommend that large of an area where it is classified as residential, where it's considered a transition zone commercial, which is the brown area. The orange area is the R-3-A, which is complexed below, R-3-A, which is complexed below, R-3-B is not less than five (5) zoning per complex, first of all complex means a building, maybe over all alternate and for more importantly that's the intension that we call for growing complex of five (5) units or more, that seems to be an extremely high density, I would suspect that that should say perhaps even go down as far as saying we should have a duplex.

Mayor Roper: The thing might, that should be included, now these four (4) plexes, way a person going five (5) or more, that seems to be asking for more trouble than their required commission in that area. And I have noticed also it's usually with the developers zone on the industrial area may not be the full intension but I don't see any member of the Planning Commission on that.

Attorney Peterson: Mainly what I recommend specifically that it be rewritten to allow lower density use such as single perhaps even not just five (5) apartments or more in that brown area.

Maybe you could rezone it to R-3-A.

R-3-A, doesn't have transition commercial but I thing perhaps that particular zone should be rewritten into a lower density to include into R-3-A.

Mayor Roper: That seems to me to be quite a jump from high density to the lowest, except for the residential zones. I suppose we could either rewrite it in, or permit a use for that zone to allow something less than five (5) per apartment, or rewrite it in, or design the zoning of the city, but is is such a large area with such high density other than light commercial.

I have one more question on that, if I understand what their saying, there is little that will broaden to fill in that area, is that right? Is that what the zoning people are feeling?

The red area is the commercial and I think the intension it is to try to keep the commercial locate their some of the low volume commercial uses would be allowed to spread out and create some of the transition and consentrate all of the traffic right here, and probably to allow more probable land use in the transition zone.

It seems like to me, that that is an awful small commercial but I'm not on the planning zone, so I don't know.

It is a third of the town.

Commercial?

Yes.

Like I say, I'm not sure that would be right to appear on a peice of paper.

It's got alot of peices, that right has got alot of places that are not in town, their not in the city limits.

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Mayor Roper: I think the brown and red are all commercial uses.

Well isn't that right map just the present city limits?

Mayor Roper: Yes.

No, you've got more than the city limits on this one over here.

Mayor Roper: This one here?

Yes, but it isn't right at the present time, I think the back, Mr. Rowlette on the old commercial was the one third of the town, however, they've cut down on it, thank goodness.

Mayor Roper: We've gathered some information after our last zoning proposal, not in commercial inparticular, but we have had to have been an awful big city, the experts tell us that's what would happen in the area.

Mayor, are we in danger of loosing the rural picture we have here, are we indanger of going into something bigger, I mean I know people wise, and community wise, but do you thing we can hang on anyway to the rural thing we've always tried so hard to keep, is there anyway we can keep this?

Mayor Roper: Well if I give you my personnel feelings, I may be entirely wrong, I think there is going to be, to use, some very drastic changes, I think what the City Council and the Planning Commission is to set up some controll to at least deep that order in, so that it doesn't get completely out of hand with a mixture of conglomeration and different kinds of developments and buildings, but I'm sure were going to have some very drastic changes, the population projection, however, act upon, we really think there los, they could very well be in the immediate area, maybe not in that city limits. We even have annexation proposed areas, but in the area, we project about 10,000

Mayor Roper: people in five (5) years, the projection we have heard for the last two (2) years, is 120 people here in the year of 1981. That's gone on in the last three (3) weeks and there are what, four hundred and forty (440) not only in people but in workers also.

I have one more question, I presume the way you answered the question there, that if you're on that boarder, the chances are that you can adjust back and forth fairly easy, Is that correct?

That's my feeling, maybe Jody could dilute to that, is that the correct understanding on the Comprehensive Plan on the intentions of the different zonings?

Jody Howe: Yes.

Mayor Roper: This map here is how we would really say for how inseparable it is as far as zoning is concerned.

I have a couple of questions, If you stick in multiple housing or you expand in commercial like the future planning are you going to rip down the multiple housing.

If the commercial ground gets valuable enough for that to happen, Yes.

What about garages?

That's a good question, I think throughout most of this thing they are attached no attached isn't the right word--

The way it is now they are attached with the sessories and the monetary provisions of apartments and stuff like that. And the people like to park their car or boat or whatever in a place that takes an awful big lot.

I guess I can't answer the question, but it is required in our Mobile Home Section, not that their driveable, but there are things standing in an area where they can be locked up and away from everything.

That brown area where you got multiple dwelling.

Jody Howe: Are you thinking of something that would be developed by someone other than the person who develops the complex?

This may be heresay, But I understand the apartments being built right now don't meet the future code for parking.

Mayor Roper: They do.

Jody Howe: It wasn't possible for us to write down specifically everything that would be allowed in these different districts. If you wanted to put something like that in this district you would come to the Planning Commission and show them that this would be valuable in that zone and that it wouldn't constitute any kind of hardship.

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Mayor Roper:

I can't answer that question, yet my first thought is whether it would be feasible and I don't know, maybe it would and maybe it wouldn't, but it takes quite a bit of area to pass the line in the city right now. But I don't know, that's not a very good answer but I can't find anything that's not a very good answer but I can't find anything that's on specifically for that, have we covered that in our amendments, Jody?

I think that is something that can be very self-explanatory and it shows that on page 29, that where we can talk about request for variance and the written decisions shall demonstrate all of these things.

I don't see the criteria written. I guess that's about essential in giving specific zone for that use.

What's the procedure on that, does it go to the Planning Board?

Yes.

The building of Administrative Officials of our source, it goes to the Planning Commission, or not excuse me, it goes to the Board of Adjustment.

Attorney
Peterson:

I think it might be for that type of a use one that does have an economic value of land user and probably for most of the aesthetics and that the common welfare of the residence that maybe something that we might do, would be planning and zoning the ordinance, I want to bring this up in the section 7 procedure Fraction Amendment Bureau that is actually written in the ordinance as a preventive use. The variance procedure would not permit change of the use as much as it would readjust it or something like that. You can't put in every use that people are going to think of that it's an unfortunate aspect of our economic system so if we can update it from time to time and break in the new type of uses, and I think it is something that ought to come in, we need to make sure that it is not going to be a use that will diminish on us in that zone. That is one reason that the zone is to protect land property and other reasons are to protect the health.

Mayor Roper:

With the use of the Variance it would be on a one on one basis.

You may have problems that come into the process of the variances or something of that sort.

I live in that area, I have 54 units in my back yard and I don't like it, and whether you have 54 places to park their not going to be able to do it because you've got lines going this way and that way and they are going to end up parking in my driveway, in front of my yard and all around my home.

Mayor Roper:

That's the thing, if you could have known this ten (10) years ago you'd know where to build a home.

One thing you could do is call the police department and have the car towed away and after they pay the fine or two then they'll find a different place to park.

Yes, I know but that's not a very good way to make neighbors.

No, but is sure does make an impression.

You can do it but I've never seen that happen yet.

Mayor Roper:

It might be interesting to know that in the provisions of this ordinance that any vehicle which doesn't have a current license plate must be stored inside.

I think there's a definite place for these garages that you asked about, I really do but it's too bad that we can't get the developer to see that it's done. But like the Mayor points out, the price of this real-estate is so high that I wonder if they have the ability of taking a piece of ground and putting garages on, or whether you can get enough rent to offset it or not, I hope you can, I would like to see it done.

Wouldn't it be a good idea for the owner to make the decision, why should we make it for them.

Jody Howe:

You could require the developer to allow so much room for parking their recreational vehicles.

We've done that in the Mobile Home Ordinance?

But that's a different situation, where are they going to put their boats and stuff.

That becomes a place and situation, there's no two ways about it.

Alan Riding:

I understood that, and I could be wrong, I believe it should go 1½ units per dwelling that's every person, say for every 4 dwellings there has got to be an extra one for an R.V. or for every 3 parking places there has got to be an extra space for an R.V. Now this situation I think here is the same general area that has brought the building rules or has taken lots out of my back piece of property which is right in the middle or right on the line of R-3-B, now we basically bought that for parking, now he is going to be changed to R-2, now we basically bought that for parking, now he is going to put some single units in there but the biggest share of it is going to be used for parking on my property, but the problem here that we've also got, is when I sold that we checked to see what the zoning was and being R-2 and at that particular time it just stated blankly and openly multiple family dwelling it didn't say two (2) duplexes or four (4) plexes or plus a little bit extra to apply for a four (4) plexes available, you've got two (2) duplexes in here then there's no way to have the footage left how that's already sold, and like I say, to back out of there is a R-3-B which has got to be five (5) or more and so even if I get that unit in there, but another problem you've got here is the property, he has bought from me or is going to buy, he is going to put the units on and I understand that the ones he's building, a building permit was issued upon the idea that he used my property for the parking requirement, so I was going to ask to have a change there cause basically the way he

is going to be building it on the wrong zone, so basically my statement is, I would like to know where a four (4) plex or I'd like to see it rearranged or changed a little bit including it is what I'm asking ; if it is already going to go in there.

Mayor Roper: I don't know whether I should agree to that, then you don't have the problem of changing that, it would be part of the ordinance as adopted.

Your saying then R-2 would be a duplex or a four (4) plex.

R-3-B

R-3-A is the only zoning that will allow for a four (4) plex, therefore I recommend that R-3-B be changed. From five (5) down to single. I am still in R-2 so basically I am going to have it changed from either R-3-A or rewrite R-3-B for four (4) plexes.

Jay Covington: It seems like when they talk about this R-3-A, those future land use, they've got all that bright orange, I think in terms what the mayor said, if you have, well we don't have it zoned now, I think so we don't end up with a big cluster of four (4) plexes, Lee talked about in some of these other cities, every person that came into build a four (4) plex would have to petition or apply for re-zoning and then the Planning Commission would look at that on the land use map and apply with that and they would allow that, that way you may not have one section, but somewhere in the general area. I think that's what their intension was, as far as R-3-A.

So to your understanding, this section that I'm talking about would fall in with the R-3-A future land use map.

Yes, all of this property.

Attorney
Peterson:

It might help a little bit to know what each of these areas represent, this over here is whats called the Comprehensive Plan, and by state law, you have to have a Comprehensive Plan, according to the zoning ordinance. The Comprehensive Plan shows in terms of the streets, utilities, where you want the people to be able to use the property in certain ways and where they want to use it, you scope that out on what their growth projections are using our people with planning experties, and you come up with your Comprehensive Plan, and your zoning then has to confirm with the Comprehensive Plan. And part of what your saying goes back to Mrs. Dekkers question about the Agricultural and R-2, is a good portion of the city.

And the zoning ordinance is broke down into several catagories, so we can try to protect some of the land values for the people.

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Gary Cox: Mayor, I have a question down there on 3rd West, between 1st N. and 2nd S. now on that map there it shows that it's about a quarter of a block, and I live right there and I'll guarantee it's not and you've got that for multiple unit housing, and I don't see how you could put one there and still have parking and all the other stuff we've talked about and I don't see why you would just zone that commercial and the front in a multiple unit.

Attorney Peterson: Would you rather have it commercial or residential?

Gary Cox: I would rather have it commercial, because you've already got P.B.I. and you've got the phone company there.

Attorney Peterson: Are you talking commercial or light industrial? One reason we hold these hearings is to find out what the future land use is and another is to try to coordinate all the land use in an area. The front of the land is used for providing swelling and the back of the land is commercial.

Gary Cox: Can you get multiple dwelling in that area on 3rd W. between 1st and 2nd N.

Attorney Peterson: What would you want it to be? Dorothy would you make a specific note of that location?

Gary Cox: Why don't you put a full block of commercial in that area and not split the block in half where half the block is commercial and half is residential? Like you say that is what there hearings are all about.

Mayor Roper: It's very logicle that applications for zoning is certainly completely compativle with the future land use map.

Gary Cox: The thing is, I just bought my dads house and so here we are rezoning many of what my plans were, and now I don't have any use for it, in other words I have a big back yard that is good for nothing, I don't understand why you don't put all of the commercial together instead of scattering a little here and a little there all over town.

Attorney Peterson: You have to draw the line somewhere.

You could split the block in fourths.

Mayor Roper: We don't have a very sharp knife.

Harvey Rowlette: We are talking about alot of terms here such as, does the Planning Board made the determinations of which fits in which, I need this clarrified in my own mind.

Mayor Roper: With alot of what I call expert help.

Attorney Peterson: Alot of which is determined in an ordinance.

Lana Moon: That whole block that we are on whould have been zoned the same way, that fellow that is putting those units is a really nice guy, we just had

Lana Moon: We just had our house appraised and it cost \$100.00 and he told me they changed the zoning on this they could go down in value which would be \$1,000.00 just like that, I think that is a bunch of bologna and if the planning Board Commission, that is not here tonight, lived where I did, I don't think they would want it that way.

Mayor Roper: I know of a particular incident that happened out here, which is commercially in the last map, the man sold the lot in back of his house so he could be able to pay for his house and these are things that can happen because it was commercial areas and they happen bad, I realize that, and after he got his sales finished he was happy, really, and there are some reverse situations I know. However, the zoning just isn't good for all of us, but I think we should stay with our future land use map.

Well, Delta has just started growing without too much planning and I think that people are going to have to be hurt because the things that exist are going to stay, it has to be zoned if we are going to have any orderly growth at all.

One question I wanted to ask what sort of type of zone would you recommend for a small storage unit?

I think it should go commercial, in a block area don't you need residential houses for these commercial executives to live in, your crowding them right out like with Lana and us we are going to be so surrounded we have got a Construction Company on one corner and their up working at 6:00 a.m. and we have also got the M.E.A. but like in the beginning we couldn't build a nice residential home if we got on our knees and begged and that isn't fair because it is our property and we should be able to do what we want.

That is the idea of the zoning ordinance is to try to protect that sort of thing like your in the residential, let's put it this way, if you have a construction company and their not around then you would have a lot of unhappy home owners and to try and separate that kind of use is the reason that the zoning ordinance is held by Supreme Court in the first place, and you don't want to mix the type of uses that are incompatible heavy traffic usage down town commercial. Is something like a storage unit set going to enhance that use or are you going to be contracted? Is the person who owns that land going to get more satisfied housing for storage units or for something else and that is the questions from people I can see the council handling the answers about it, Land owners who know the situation and that is why I wanted to ask that was where is the best place to put those storage units? Is it industrial, Highway Commercial?

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Well I would be objected to that, R-3-B, that is a little ways back from commercial but I sure wouldn't want it residential.

Jody Howe:

What kind of storage units are you talking about?

I was talking about these Mini Storage Units that they have in Provo, Salt Lake, all the way up north, in a sensor there are definitely some stores that will rent a unit when they are going to have a big sale is to just store in temporarily, plus all up in Provo that is basically students which we don't have here and they have no four (4) by four (4) deals for students which I don't even think of having here.

I think you might run into a few problems as far as units are, I studied a little bit in the storage unit question, I went up to Salt Lake and talked to a city plumber up there, I bought one of their zoning ordinances and brought it down with me, and they allow storage units in all Commercial Areas, and in all industrial areas and the Salt Lake Planning Board felt like it was a very low profile and low traffic business that served well in commercial areas, I personally feel the same way.

Mayor Roper:

Another thing we have a problem with, and maybe Jody can help us answer this, now those are the major home fees on page 76 where it says at least 100 units have to have improvements.

Jody Howe:

That is a standard provision and where they haven't put that provision in, and started renting out the lots as soon as they are finished and there is a lot of construction going on and some times they won't be completed for years later.

I realize that it is in the combination part of the subdivision and what you say is probably true.

I have got a minimum area of 20 acres for a mobile home park and 20 acres for the whole apartment, well 40 of that is what it was for P.U.D., a lot of it would die back to the developments, its where the small development to sustain the type of improvements perhaps recreation more into the improvement such as club houses, so you can put that sort of thing especially the park area, the numbers are large for an area for this population, where does the trade off come to the size of the thing and its economic scale.

Mayor Roper:

One thing we need to do is amend our Mobile Home Ordinance.

Attorney Peterson:

It may be well to eliminate the Mobile Home Park aid, I feel this aid may be strong in the areas where the Mobile Home section is, but it is also weak in many areas. There is nothing on the R.V. Park in this proposed aid.

Alan Riding:

They should have the fire protection equipment, prior to allowing a building higher than our fire department can reach.

Attorney Peterson:

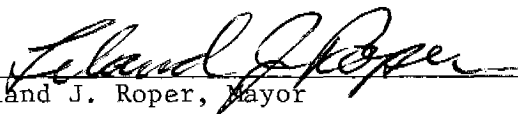
If they can meet the Fire protection standard, then maybe they could be built.

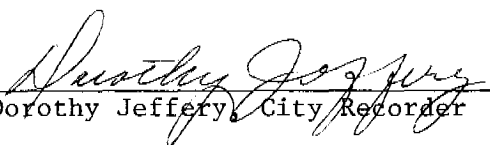
Alan Riding: It's best to utilize the land instead of going up higher.

Are you going to recommend that our neighborhood be zoned for 4 plexes or duplexes?

All of the input from this meeting will be given to the Planning and Zoning Committee.

Mayor Roper asked if there was anything else that needed to be discussed, there being none, the meeting was adjourned at 7:50 p.m.


Leland J. Roper, Mayor


Dorothy Jeffery, City Recorder

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PRESENT:

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Willis Morrison	Councilman
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ABSENT:

None

OTHERS PRESENT:

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Jay Covington	Acting Secretary
Warren Peterson	City Attorney
John Quick	City Engineer
Tex Searle	Del-Park
Dan Randall	Del-Park
Ed Gifford	Evans Taggart & Co.
Dave Evans	Evans Taggart & Co.
Todd Turner	City Resident
James Jensen	City Resident

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